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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,035	03/12/2004	Robert A. Biggs	CM06854H	6703
22917	7590	05/19/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,035

Applicant(s)

BIGGS, ROBERT A.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,13 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 4-10 is/are allowed.
- 6) ☒ Claim(s) 11,14 and 16 is/are rejected.
- 7) ☐ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments, filed February 27, 2006 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration of claims 11, 14 and 16, a new ground of rejection is made in view of Vannucci in view of Rahnema.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannucci (US 5,459,727) in view of Rahnema (US 5,465,253).

1. Regarding claims 11 and 16, Vannucci discloses in a TDMA system (col. 4, lines 40-41 and 53-55), a method comprising selecting a fixed periodic rate for reverse channel signaling for a first channel (fig. 4, item 412; col. 7, lines 30-40 and 45-48) and transmitting reverse channel signaling at the fixed periodic rate to a transmitting subscriber assigned to the first channel (col. 7, lines 59-65; col. 10, lines 28-31 and 45-47).
2. However, Vannucci does not disclose reverse channel signaling being transmitted in a shared field associated with another call. Rahnema discloses in a TDMA system (fig. 1) transmitting reverse channel signaling in a shared signaling field (fig. 2, step 31; col. 4, lines 18-20), where the shared signaling field is associated with another call (fig. 3; col. 5, lines 23-30; note: the signaling is spread out over the different voice channels as needed). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit reverse channel signaling in a shared signaling field in the invention of Vannucci in order to give

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priority to signaling messages (Rahnema, col. 1, lines 31-39).

3. Regarding claim 14, in Vannucci the system comprises an offset slotting structure (fig. 4, in the air) where the subscriber is assigned a first channel on an inbound path and receives reverse channel signaling on a first channel on an outbound path (col. 7, line 56 through col. 8, line 11).

Allowable Subject Matter

Claims 1 and 4-10 are allowed.

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at 571-272-7629. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov. Previous art units 2661-2668 have merged to form a new art unit 2616. A similar restructuring has taken place for all other art units in TC 2600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kevin C. Harper', is positioned above the printed name.

Kevin C. Harper

May 15, 2006